

U.S. PATENT & TRADEMARK OFFICE
SEP 26 2003
JC181

09-29-03

2836

AMENDMENT TRANSMITTAL LETTER

Docket No.
49581/P026US/10025288

Application No.
09/826,292

Filing Date
April 4, 2001

Examiner
I. Rodriguez

Art Unit
2836

Applicant(s): Joel Stephen Michon, et al.

Invention: CABLE NETWORK INTERFACE CIRCUIT

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	54	- 54 =		x	0.00
Independent Claims	5	- 5 =		x	0.00
Multiple Dependent Claims (check if applicable)					<input type="checkbox"/>
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

Large Entity

Small Entity

No additional fee is required for this amendment.

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R. Ross Viguet
Attorney Reg. No.: 42,203

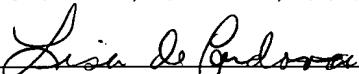
Dated: September 26, 2003

FULBRIGHT & JAWORSKI L.L.P.
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Amendment Transmittal
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV256032693US, in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 26, 2003

Signature:  (Lisa deCordova)



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Dated: September 26, 2003 Signature: *Lisa deCordova*
(Lisa deCordova)

Docket No.: 49581/P026US/10025288
(PATENT) *#10 election J.W.L N-908*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Joel Stephen Michon, et al.

Application No.: 09/826,292

Confirmation No.: 3666

Filed: April 4, 2001

Art Unit: 2836

For: CABLE NETWORK INTERFACE CIRCUIT

Examiner: I. Rodriguez

RESPONSE TO RESTRICTION REQUIREMENT

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed August 27, 2003 (Paper No. 9), applicant hereby provisionally elects claims 1-33 and 40-54 for continued examination, with traverse.

The Examiner has required restriction between claims 1-33 and 40-54 and claims 34-39. Specifically, the Examiner has identified claims 1-33 and 40-54 as Group I drawn to a cable interface circuit, and claims 34-39 as Group II drawn to an interface device for use as a front end to an RF processing unit. The Examiner's characterization of the claims of Group I being drawn to a cable interface circuit is read to encompass interface circuits receiving and/or transmitting signals via a cable, as opposed to specific type of cable interface circuit (e.g., television cable service interface circuit), because the claims of Group I generally recite a cable or a coaxial cable. The Examiner's characterization of the claims of Group II being drawn to an interface device for use as a front end to an RF processing unit is read to encompass interface circuits which themselves provide a front end interface to an RF processing circuit, as recited in the claims of Group II.

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Election is required between Groups I and II because the inventions are asserted in the Office Action to be related as subcombinations disclosed as usable together in a single combination. The Examiner opines that the subcombinations are distinct because the subcombinations are separately usable. Specifically, the Examiner asserts that the invention of Group I has separate utility such as a device in an RF circuit but not a front end device.

Applicant respectfully asserts that the characterization of the inventions of Groups I and II provided in the Office Action appear to be that of combination and subcombination rather than subcombinations usable together in a single combination. Relying upon the Examiner's characterization of the claims, a cable interface circuit (Group I) would appear to be a subcombination of the combination of an interface device for use as a front end to an RF processing unit (Group II). Accordingly, a combination and subcombination have been set forth with respect to the restriction requirement.

A proper restriction for a combination and subcombination requires two way distinctness, see M.P.E.P. § 806.05(c). The Office Action sets forth only one-way distinctness. Therefore, Applicant respectfully asserts that the restriction requirement is improper and should be withdrawn.

Moreover, even if it were to be maintained that the inventions of the claims of Groups I and II are subcombinations usable together, the restriction requirement is improper. The Office Action sets forth that the invention of Group I is separately usable from the invention of Group II as the invention of Group I may be used as a device in an RF circuit but not a front end device. However, this assertion does not appear to be accurate. The claims of Group I recite an interface circuit, a device for receiving signals from a coaxial cable and for delivering received ones of the signals to a tuner, or receiving RF signals from a coaxial cable and for delivering digital representations of received ones of the signals to digital output. Although the claims of Group I do not expressly recite their comprising "a front end device," it appears that the above recited aspects of the claims set forth a front end to a circuit or device, as a "front end" would appear to encompass a junction wherein signals are accepted and/or fed for further processing, see the present specification at page 9, lines 16-20. Accordingly, it is respectfully asserted that one-way distinctness has not been shown with respect to the claims of Groups I and II and, therefore, the restriction requirement should be withdrawn.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 49581/P026US/10025288 from which the undersigned is authorized to draw.

Dated: September 26, 2003

Respectfully submitted,

By R. Ross Viguet

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